

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

****FILED****
30 JUNE 2021
U.S. EPA - REGION IX

IN THE MATTER OF:)	U. S. EPA Docket No.
)	
)	RCRA-09-2021-0052
)	
AmSpec LLC)	EXPEDITED SETTLEMENT
State ID. No. CAL000402267)	AGREEMENT AND FINAL
Respondent.)	ORDER
)	
)	

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges that AmSpec LLC (“Respondent”), owner or operator of the facility at 4075 Sprig Drive, Ste A, Concord, California (the “Facility”), failed to comply with the Biennial Reporting and EPA identification number requirements under the Resource Conservation and Recovery Act (“RCRA”) and the EPA approved and authorized California hazardous waste management program¹.
2. Under 22 CCR § 66262.41 [40 Code of Federal Regulations (“CFR”) § 262.41], Respondent was required to submit a 2019 Biennial Report by March 1, 2020.
3. Under 22 CCR § 66262.12(a) [40 CFR § 262.18(a)], Respondent is required to obtain an EPA identification number to ship regulated quantities of RCRA hazardous waste.
4. EPA and Respondent agree that settlement of this matter for a penalty of three thousand five hundred dollars (\$3,500) is in the public interest.
5. EPA is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008 of RCRA and 40 C.F.R. § 22.13(b).
6. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding, Respondent: (i) admits that EPA has jurisdiction over the subject matter of this Agreement and over Respondent; (ii) neither admits nor denies the specific factual allegations contained in the Agreement; (iii) consents to any and all conditions specified in this Agreement and to the assessment of the civil administrative penalty specified in this Agreement; (iv) waives any right to contest the allegations contained in this Agreement; and (v) waives the right to appeal this Agreement as a final order.
7. By its signature below Respondent certifies, subject to civil and criminal penalties for

¹ All citations in this Agreement refer to the California Code of Regulations (“CCR”) refer to Division 4.5 of Title 22 of the current California Code of Regulations. EPA is enforcing California hazardous waste management program requirements as approved and authorized by the United States on August 1, 1992 (see 57 Fed. Reg. 32726, July 23, 1992), September 26, 2001 (66 Fed. Reg. 49118, September 26, 2001), October 7, 2011 (see 76 Fed. Reg. 62303, October 7, 2011) and January 14, 2020 (see 85 Fed. Reg. 2038, January 14, 2020). Corresponding Federal citations are provided as a convenience in brackets.

making a false submission to the United States Government, that: (1) the alleged violation has been corrected, and (2) Respondent is submitting proof of payment of the civil penalty with this Agreement. The civil penalty of three thousand five hundred dollars (\$3,500) should be paid in accordance with EPA Region IX Penalty Collection Procedures provided to the Respondent.

8. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
9. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
10. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
11. Each party shall bear its own costs and fees, if any.
12. This Agreement is binding on the parties signing below, and in accordance with 40 CFR § 22.31(b), is effective upon filing.

IT IS SO AGREED,

Name (print): James J. Armstrong

Title (print): Sr. Vice President Global HST

Signature: James Armstrong

Digitally signed by James Armstrong
DN: cn=James Armstrong, o=United States of America, ou=US United States HST
United States of America, ou=United States of America, ou=United States of America
Reason: I am the author of this document
Location:
Date: 2021.06.07 17:11:04.00

Date 07 June 2021

APPROVED BY EPA:

AMY MILLER-
BOWEN

Digitally signed by AMY MILLER-
BOWEN
Date: 2021.06.09 13:05:36 -07'00'

Date: _____

Amy C. Miller-Bowen, Director
Enforcement and Compliance Assurance Division
U.S. EPA Region IX

IT IS SO ORDERED:

STEVEN JAWGIEL

Digitally signed by STEVEN
JAWGIEL

Date: 2021.06.29 07:46:19 -07'00'

Date: _____

Steven L. Jawgiel
Regional Judicial Officer
U.S. EPA Region IX

CERTIFICATE OF SERVICE

This is to certify that the foregoing EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER in the matter of AmSpec LLC (RCRA-09-2021-0052) has been filed with the Regional Hearing Clerk, and a copy was served on Respondent and on the Complainant as indicated below:

RESPONDENT

James J. Armstrong
Senior Vice President – Global
Health, Safety & Training
AmSpec LLC
1249 South River Road, Ste 204
Cranbury, NJ 08512
James.Armstrong@amspecgroup.com

COMPLAINANT

Andrew Helmlinger
Assistant Regional Counsel
U.S. EPA - Region 9
Helmlinger.Andrew@epa.gov

**Armsey,
Steven** Digitally signed
by Armsey,
Steven
Date: 2021.06.30
15:20:53 -07'00'

Steven Armsey
Regional Hearing Clerk
EPA, Region 9